

REMARKS

Claims 1-35 are pending in the present application. Claims 1-35 were rejected under 35 U.S.C. §112, second paragraph, and under the judicially created doctrine of obviousness-type double patenting. Claims 1, 6, 7, 9, 15, 24-26, 34, and 35 are amended. No new matter is added. Applicants respectfully request reconsideration in light of the following remarks.

Rejections Under 35 U.S.C. §112

Claims 1-35 were rejected as being indefinite for failing to particularly point out and distinctly claim the invention. In particular, the Examiner states that the "claims recite that hydrogen is an inert component."

Applicants have amended claims 1, 6, 7, 9, 15, 24-26, 34, and 35 to delete the term "inert" and, as appropriate, replace "inert" with "first". As a result, Applicants believe claims 1-35 are definite and respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. §112.

Rejections for Obviousness-type Double Patenting

Claims 1-35 were rejected under the judicially created doctrine of obviousness-type double patenting over U.S. Pat. No. 5,872,058 in view of Dobuzinsky et al. (U.S. Pat. No. 5,563,105) and over U.S. Pat. No. 6,395,150 B1 in view of Dobuzinsky et al. (U.S. Pat. No. 5,563,105).

In response, Applicants submit the accompanying Terminal Disclaimer filed in accordance with 37 C.F.R. § 1.321(c), for commonly-owned U.S. Pat. Nos. 5,872,058 and 6,395,150 B1, thereby obviating the double patenting rejection.


Accordingly, Applicant respectfully requests withdrawal of the rejections to claims 1-35 for double patenting.

LAW OFFICES OF  
MACPHERSON, KWOK CHEN  
& YU LLP  
1763 TECHNOLOGY DRIVE  
SUITE 224  
SAN JOSE, CA 95110  
(408) 392-9230  
FAX (408) 392-9262

CONCLUSION

For the foregoing reasons, Applicants believes pending claims 1-35 in the above-identified application are in condition for allowance, and a notice of allowance is respectfully requested. If the Examiner has any questions regarding the application, the Examiner is invited to call the undersigned Attorney at (949) 752-7040.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope or Facsimile transmitted, addressed to: Commissioner for Patents, Alexandria, VA 22313-1450, on July 20, 2004.

  
Rita K. Kimmel

Respectfully submitted,



Tom Chen  
Attorney for Applicant(s)  
Reg. No. 42,406

LAW OFFICES OF  
MACPHERSON, KWOK CHEN  
& BEID LLP

1742 TECHNOLOGY DRIVE  
SUITE 226  
SAN JOSE, CA 95110  
(408) 392-9250  
FAX (408) 392-9262